

REMARKS

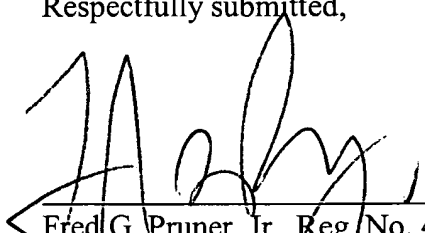
In an Office Action mailed on May 9, 2006, claims 39, 41, 43, 45-47, 49, 51-53 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thro in view of Gerber.

All of the § 103 rejections are based in part on Gerber, U.S. Patent No. 6,163,793. However, Gerber is not a prior art reference against any of the claims. More specifically, Gerber qualifies as prior art only under 35 U.S.C. § 102(e). The subject matter that is set forth in Gerber and the invention that is set forth in claims 39-41, 43, 45-47, 49, 51-53 and 55 were, at the time the claimed invention was made, commonly owned by Intel Corporation, the assignee of the instant application, as shown in the recorded assignment attached as Exhibit A. Thus, pursuant to 35 U.S.C. § 103(c), Gerber cannot be used as a § 103 rejection against any of the claims in the present application. M.P.E.P. § 2146.

Applicant notes that although the effective date of 35 U.S.C. § 103(c), relied upon herein, is November 29, 1999, which precedes the effective filing date of the instant application, a Continued Prosecution Application (CPA) was filed on April 16, 2002; and thus, 35 U.S.C. § 103(c) at least applies to this application.

Thus, for at least the reasons that are set forth above, Applicant respectfully requests withdrawal of the § 103(a) rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0045US).

Respectfully submitted,



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